

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:18-mj-408 (ATB)

ADAM MALKIN,
aka "James May", aka "Eric Johnson",
aka "Erik Johnson")

Defendant(s))

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of on or about January 2017 through July 2018 in the county of Oneida in the Northern District of New York the defendant(s) violated:

*Code Section*Title 21, United States Code, Sections
841(a)(1), (b)(1)(B), and 846*Offense Description*Conspiracy to Possess with Intent to Distribute 100 kilograms or
more of marijuana, a Schedule I controlled substance

This criminal complaint is based on these facts:
See Attachment

☒ Continued on the attached sheet.

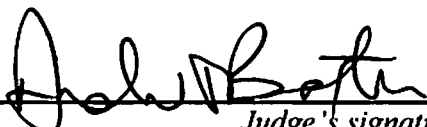

Complainant's signature

Anthony Hart, SA DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: July 19, 2018


Judge's signature

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

A. Background

I, Anthony Hart, having been duly sworn, do hereby state and depose as follows:

1. I am a Special Agent employed by the United States Department of Justice, Drug Enforcement Administration ("DEA"), and as such I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 21 United States Code, Section 801, et. sec., and Title 18, United States Code, Section 2516. I have been a DEA Special Agent since November, 1999. I am currently assigned to the DEA Syracuse Resident Office, Syracuse, New York. I have participated in numerous successful investigations into illicit drug distribution networks and have interrogated numerous defendants, informants and others who were sellers, distributors, or users of narcotics and other illicit drugs. Also, I have been involved in the monitoring, intercepting and recording of court-ordered wiretaps, and have participated in numerous search warrants/arrest warrants involving narcotics trafficking. In addition to my above-mentioned experience, I have had the opportunity to speak with and observe other federal and state narcotics officers with regard to the manner in which narcotics are possessed, sold and distributed in the Northern District of New York area. I have participated in numerous searches of residences, businesses and vehicles in which controlled substances, drug paraphernalia, currency and records were discovered. My experience as well as conversations with other law enforcement officers, as detailed herein, will serve as the basis for any opinions or conclusions

set forth below. I have personally participated in the investigation of the offenses set forth below and as a result of my participation and my review of past and present reports made by other Special Agents of the DEA, and other state and local law enforcement agencies, I am familiar with the facts and circumstances of this investigation.

B. Purpose of Affidavit

2. This affidavit is submitted in support of a criminal complaint charging Adam Malkin, aka James May, aka Eric Johnson, aka Erik Johnson with violations of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846, conspiracy to possess with the intent to distribute 100 kilograms or more of marijuana, a Schedule I controlled substance. I have reviewed reports and discussed with other investigators participating in this investigation and determined their information to be reliable, I allege the facts set forth in this affidavit show there is probable cause to believe Adam Malkin conspired to possess with the intent to distribute 100 kilograms or more of marijuana.

C. Basis of Information

3. As a result of my personal participation in this investigation, I am familiar with all aspects of this investigation. I have not included each and every fact known to me concerning the investigation. I have set forth only the facts that I believe are necessary to establish the necessary foundation for the criminal complaint.

D. Status of the Case

4. The Drug Enforcement Administration (DEA), New York State Police Community Narcotics Enforcement Team (CNET), and the U.S. Postal Inspection Service have been engaged in a marijuana investigation in the Oneida and Utica, New York areas since on or about October 2017. This investigation concerns alleged violations of federal criminal laws prohibiting

possession with intent to distribute and distribution of Marijuana, a Schedule I controlled substance, and conspiracy to commit these offenses in violation of Title 21, United States Code, Sections 841(a)(1) and 846. The primary target of this investigation is Adam Malkin, aka James May, aka Eric Johnson, aka Erik Johnson, who currently resides at 1301 Thorn Street, Utica, New York and is suspected of being the leader and organizer of this criminal organization. Adam Malkin is the registered owner of a black in color 2017 Nissan Frontier, NY registration HMC-5394. Agents have been monitoring this vehicle since January 12, 2018 through the use of a global positing device authorized by this court. Malkin is suspected of using the Nissan Frontier in furtherance of distributing multi-hundred pound quantities of marijuana in and around the Northern District of New York. The vehicle has been tracked to multiple storage facilities, U.S. Post Offices, and commercial mail shipping companies, as well as several properties connected to Malkin. It is strongly suspected at this time that commercial parking lots and shopping centers in the Utica area are common locations where Malkin meets his marijuana customers. Additionally, Malkin is also suspected of distributing marijuana accessories and derivatives including but not limited to liquid forms of marijuana commonly smoked using "Vaping Pens" and other devices.

5. The GPS data acquired by case agents thus far has been useful to further this investigation and has helped in identifying additional suspected stash locations, storage facilities where drugs and other fruits and instrumentalities of drug trafficking may be stored, and other suspected criminal activities. Investigators have identified multiple storage units in the Utica, NY area that Malkin has used and is continuing to use to store quantities of marijuana and drug proceeds. Malkin has obtained several fictitious government issued driver's licenses in his alias names which he routinely uses when leasing a new storage unit as will be explained in greater

detail below. Your affiant based upon his training and experience, is aware that drug dealers commonly keep large quantities of drugs in storage units to safeguard them from police confiscation or being stolen by competitors. Drug dealers have been known to use fictitious names to remain anonymous when shipping freight, parcels, renting storage units, and to conceal financial transactions. It is suspected at this time that Adam M. Malkin has assumed multiple identities; "James May", "Eric Johnson" and "Erik Johnson" in an attempt to thwart any type of law enforcement detection regarding his criminal activity.

**SEIZURE OF 110 POUNDS OF MARIJUANA BY THE
PENNSYLVANIA STATE POLICE AND THE IDENTIFICATION OF ADAM MALKIN**

6. In the fall of 2017, your affiant and other agents initiated a multi-agency investigation targeting a significant Marijuana trafficking organization with ties to the Northern District of New York, Connecticut, and California among other jurisdictions. The investigation began after a tip from the Pennsylvania State Police on October 10, 2017. Through source information, Pennsylvania State Police officials were able to identify a pallet that was in-transit by commercial shipping company Estes and was sent from Rohnert Park, California to a storage facility in Oneida, New York. Pennsylvania State Police seized the pallet after a K-9 dog positively alerted to the contents for the presence of narcotics or marijuana.

7. A search warrant was subsequently applied for and officers seized approximately 110 pounds of marijuana which was hidden in (36) five gallon buckets labeled "Trinity Stain Premium Concrete Stains." The buckets were shrink wrapped and sealed on the pallet. Investigators located the marijuana hidden in sand inside of the five gallon buckets. The pallet weighed 1,200 pounds and was shipped by James May and destined for a "James May Remodeling" at a storage unit in Oneida, NY. According to personnel at the storage facilities,

Trinity Stain buckets and quantities of sand have been observed near storage units rented by Malkin and other co-conspirators in Oneida, NY. Postal Inspectors determined that money order 23670806354 in the amount of \$681.29 was used as payment to Estes Express Lines freight for the marijuana shipment that was seized by the Pennsylvania State Police. The money order was purchased on October 3, 2017 by James May, 1301 Thorn Street, Utica, NY and made payable to Estes West.

8. As the investigation progressed, agents determined that “James May” was an alias for Adam Malkin (DOB: 3/21/XX). Criminal history checks conducted for Malkin by your affiant revealed that he had been arrested by DEA in a previous marijuana investigation in New Jersey and also was stopped by law enforcement near Des Moines, Iowa in 2012. During the later incident, police seized a small quantity of marijuana from Malkin’s vehicle and \$85,000 in United States Currency. During his interaction with police, Malkin admitted that he was travelling from New York to Northern California but refused to state what his intentions were for the large sum of United States Currency he was transporting.

9. Following the seizure of the pallet by Pennsylvania State Police, your affiant and other agents from DEA and investigators with the New York State Police identified multiple storage units that were being rented in the name of “James May” in Oneida and Clinton, NY. Other rental storage units in the Northern District of New York were identified as having been rented by suspected co-conspirators of Adam Malkin. Investigators issued DEA administrative subpoenas to three shipping companies with hubs in the Syracuse, NY area. From 2013 to present, 20 shipments have been identified totaling approximately 1,500 pounds of suspected marijuana. The majority of the shipments were destined for James May, James May Remodeling or to suspected co-conspirators of Malkin’s.

1301 THORN STREET, FIRST FLOOR, UTICA, NY

10. During the course of this investigation, it has been determined that Adam Malkin's primary residence is 1301 Thorn Street, First Floor, Utica, NY. Investigators have also identified multiple additional properties owned by Adam Malkin in Utica, NY. It is suspected at this time that many of these properties have been purchased by Malkin with marijuana proceeds. A financial investigation into Malkin's employment history revealed no legitimate employment for Malkin, who by his own recorded admissions to an undercover officer (discussed further below), has been selling marijuana since he was 16 years old. Your affiant is aware that Malkin is currently 67 years old. The load of marijuana seized by the Pennsylvania State Police in October 2017 listed 1301 Thorn Street, Utica, NY as the billing address.¹ Malkin's Nissan Frontier has been observed during multiple physical surveillance operations parked at his residence and has been verified hundreds of times since January 2018 through the use of the global positioning device installed on his vehicle.

TREASURE CHEST STORAGE FACILITY#30

11. Investigators have determined that Adam Malkin is using multiple storage facilities in and around the Utica, NY area to store marijuana and marijuana proceeds. On November 20, 2017, in relation to this case, NYSP Investigator Ryan interviewed the manager of Treasure Chest Storage located at 7870 State Route 5, Clinton, NY. The manager advised Investigator Ryan that a "James May" had rented storage unit #30 at that facility and provided a copy of May's driver license. As part of the application for the storage unit, May listed 1301 Thorn Street, First Floor, Utica, NY as his primary residence. Investigators determined that May's driver's license was fictitious after matching the photo to a New York State DMV photo of

¹ Utilities at 1301 Thorn Street, First Floor, Utica, NY are registered in the name Adam Malkin.

Adam Malkin. The license in question was a copy of a State of Illinois Driver's License in the name of James A. May, with an Illinois address. The investigation to date has revealed that Malkin has assumed the identity of "James May." Your affiant believes this is a calculated attempt to thwart any type of law enforcement detection regarding his criminal activity.

12. Investigator Ryan interviewed the storage unit manager a second time in December 2017. During this interview the manager provided a physical description of Malkin as well as a license plate and vehicle description for the Nissan Frontier. Also in December 2017, Malkin paid his storage fee for Unit #30 and was observed retrieving a cardboard box with dimensions roughly 2 ½ x 2 ½ x 1 ½ from the storage unit. Malkin was observed by personnel at the storage facility placing the cardboard box into his Nissan Frontier. Additionally in December 2017, USPI Matthew Puro identified a suspicious parcel addressed to Malkin's residence which had originated from California.² The package was ultimately delivered in order to not compromise the ongoing investigation. The manager of the storage facility has observed Malkin aka "May" arrive at his rented storage unit # 30 in his 2017 Nissan Frontier color black bearing State of New York registration # HMC5394 on several different occasions. Malkin has also entered the business office to make monthly payments for his rented storage unit. While at his rented storage unit he has been observed by management carrying boxes from the unit and placing them into the front passenger seat of his vehicle. These boxes were consistent with boxes located previously at Affordable Storage and Your Lock N' Stor, other storage units previously rented by Malkin.

L & L SELF STORAGE FACILITY#14041

13. On January 24, 2018, NYSP Investigator Ryan and your affiant interviewed the

2 The sender listed on the package did not match any known names at that address. This is a common ruse drug dealers use to avoid detection.

manager of L&L Self Storage, located at 2222 Oriskany Street, Suite 2, Utica, NY. The manager advised Investigator Ryan and your affiant, that Adam M. Malkin had rented storage unit # 14041 at that facility on March 6, 2017. Malkin had previously rented storage unit # 30533 in August of 2016. As a part of the application for the storage unit, Malkin listed phone number (516) 203-5761. Malkin also provided 2 addresses one in Great Neck and 4 the other in Utica, NY. He also provided a California Driver's License in the name of Adam Mill Malkin, with a Eureka, CA address. The photo of Malkin was consistent with the fictitious State of Illinois Driver's License in the name of James A. May referenced above. A review of GPS data by your affiant from April 7, 2018 to July 7, 2018 (90 day period), confirmed that Malkin's Nissan Frontier was tracked to L& L Storage 21 times.

ACCESS SELF STORAGE UNIT # 147

14. On March 23, 2018, NYSP Investigator Ryan interviewed the manager of Access Self Storage, located at 425 Lomond Place, Utica, NY 13502. The manager advised Investigator Ryan that an "Erik Johnson," a known alias of Malkin's, had rented storage unit # 147 at that facility on March 19, 2018. As a part of the application for the storage unit, "Johnson" listed an address of 1301 Thorn, Apt 1, Utica, NY 13502, which as your affiant has detailed is the primary residence of Adam Malkin. A review of GPS data by your affiant from April 7, 2018 to July 7, 2018 (90 day period), confirmed that Malkin's Nissan Frontier was tracked to Access Self Storage, 425 Lomond Place, Utica, NY, 53 times.

U-HAUL MOVING AND STORAGE OF UTICA UNIT#1211

15. On June 5, 2018, NYSP Investigator Ryan interviewed the manager of U-Haul Self Storage & Storage of Utica, located at 430 Lomond Place, Utica, NY 13502. The manager advised Investigator Ryan that a "James May" had rented storage unit # 1211 at that facility on

May 22, 2018. As a part of the application for the storage unit, "May" listed his address as 1301 Thorn, Utica, NY 13502. The following phone numbers were also listed (516) 260-0062 and (646) 946-6239 on the application. "May" provided a Maryland Driver's License in the name of James May and an alternate contact name of Erik Johnson residing in Baltimore, Maryland. A review of GPS data by your affiant from May 22, 2018 to July 7, 2018 (45 day period), confirmed that Malkin's Nissan Frontier has been tracked to this U-Haul Moving and Storage facility 12 times.

3757 LITTLE FAIRFIELD STREET, #1, EUREKA, CALIFORNIA 95503

16. Through the course of this investigation, Malkin has sent multiple packages suspected of containing drug proceeds to a co-conspirator believed to be his primary marijuana source of supply in Eureka, California. From October 31, 2016 to June 28, 2018 U.S Postal Inspector Matthew Puro has identified 76 parcels mailed from the Utica area to Malkin's California Co-conspirator. The postage paid by Malkin for these parcels was over \$1,000. As will be detailed below, Postal Inspectors have gathered a significant amount of evidence thus far in the investigation through the use of "Sneak and Peak" Federal search warrants, video and screen shots of individuals mailing parcels, and other traditional investigative techniques which confirm in your affiant's training and experience that Malkin and his California co-conspirator are involved in a long standing drug conspiracy.

17. On January 13, 2018, New York State Police CNET Investigator Timothy Ryan tracked Malkin's Nissan Frontier via the court authorized GPS. At approximately 12:44 p.m., MALKIN's vehicle departed 1301 Thorn Street, Utica, NY 13502. At 12:52 p.m., Malkin's vehicle was located near the Kernan Station Post Office located at 1709 Genesee Street, Ste. 1, Utica, NY 13501. Investigator Ryan noted that the vehicle traveled directly from the area of

Malkin's residence without any stops in between before arriving in the area of the Kernan Station Post Office.

18. On January 19, 2018, U.S. Postal Inspector Matthew Puro traveled to the Kernan Station Post Office located at 1709 Genesee St, Ste. 1, Utica, NY 13501 to review images from a video surveillance system at the office dated January 13, 2018. Inspector Puro observed Adam Malkin on the video system entering the Post Office carrying three US Postal Service Priority Mail boxes, and mailing the parcels at approximately 12:53 p.m., on January 13, 2018. Images of the parcels were obtained, and it was observed that each bore the return name and address of Eric Johnson, 1301 Thorn St, Utica, NY 13502. One of the three parcels mailed on January 13, 2018 was addressed to Malkin's California co-conspirator.

19. On Saturday, February 3, 2018, New York State Police CNET Investigator Timothy Ryan contacted U.S. Postal Inspector Matthew Puro and advised that Malkin's truck was believed to be near the Kernan Station Post Office located at 1709 Genesee St, Ste. 1, Utica, NY 13501. Postal Inspectors contacted USPS employees and learned that a U.S. Postal Service Priority Mail Parcel was accepted for mailing at approximately 9:30 am, and bore the return name and address of Eric Johnson, 1301 Thorn St, #1, Utica, NY 13502 (the same alias believed to be used by Adam Malkin). This parcel was secured by U.S. Postal Inspectors. Also on this date, Malkin's truck traveled to Your Lock N' Stor, located at 7454 State Route 5, Clinton, NY, Treasure Chest Storage, located at 7870 State Route 5, Clinton, NY, and A-Verdi Self Storage, located at 9816 River Road, Marcy, NY. This information was corroborated by the GPS unit for Malkin's vehicle. On February 8, 2018, USPI Puro reviewed video images from a surveillance system at the Post Office for U.S. Postal Service transactions involving this parcel, and observed Adam Malkin enter the Kernan Station Post Office on February 3, 2018, approach the counter

line with a U.S. Postal Service Medium Flat Rate box in his possession, and mail the parcel.

20. On February 5, 2018, the above referenced parcel was subjected to canine examination by New York State Police Canine Handler Eric Knapp and his Canine "Scotty." At approximately 9:48 a.m., canine handler Knapp informed U.S. Postal Inspector Puro that "Scotty" had positively alerted to the parcel for the presence of narcotics or marijuana emanating from the parcel. Postal Inspector Puro was present and observed "Scotty's" alert to the parcel. On February 5, 2018, U.S. Postal Inspector Puro applied for and was granted a Federal Search Warrant issued by U.S. Magistrate Judge Andrew T. Baxter for the parcel which was addressed to an address in Stevenson Ranch, CA. The parcel was opened later that same afternoon, and was found to contain plastic shopping bags, a liquor store receipt from Utica, NY, a U.S. Navy Manual, and Vacuum sealed bag containing a large amount of U.S. Currency which weighing approximately 1 pound, 2.3 ounces, and a note indicating the amount was \$10,000, along with a note with the writing "Shatt Cartridges" and the name "Adam" (believed to be Adam Malkin). Your affiant, and other Federal and State Investigators involved in the investigation believe the U.S. Currency was payment for an order of Cannabis Oil cartridges, also known as Shatter Oil, or THC oil extract, which can be inserted into e-Cigarette pipes or "Vape" pipes/pens and inhaled. The contents of parcel were photographed, and the parcel repackaged as it was originally found, and returned to the mail stream. The parcel was later delivered in California on February 6, 2018.

**FEDERAL SEARCH WARRANT EXECUTED ON FEBRUARY 9, 2018 OF A PARCEL
MAILED BY ADAM MALKIN TO HIS CALIFORNIA CO-CONSPIRATOR**

21. On the morning of February 8, 2018, U.S. Postal Inspector Puro was contacted by a U.S. Postal Service employee who advised that a white male, approximately 50 years old, and

bald had just mailed two U.S. Postal Service priority mail parcels using the return name of "Erik Johnson" and address of 1301 Thorn Street, #1, Utica, NY 13502 from the Kernan Station Post Office located at 1709 Genesee St, Ste. 1, Utica, NY 13501 (The employee was aware that Postal Inspectors had inquired on a parcel mailed using that same name and address on Saturday, February 3, 2018, and contacted Inspector Puro after the parcel had been mailed). Puro advised the U.S. Postal Service employee to hold the parcels at the office for further investigation. A short time later, Inspector Puro was contacted by New York State Police Investigator Timothy Ryan who advised that Malkin's Nissan Frontier, at approximately 8:45 a.m., departed Malkin's residence located at, 1301 Thorn Street, Utica, NY 13502. At 9:00 a.m., the vehicle was tracked near the Kernan Station Post Office located at 1709 Genesee Street, Ste. 1, Utica, NY 13501. Investigator Ryan noted that the truck traveled directly from the area of Malkin's residence without any stops in between before arriving in the area of the Kernan Station Post Office. Also on this date, Malkin's truck traveled to Your Lock N' Stor, located at 7454 State Route 5, Clinton, NY, Treasure Chest Storage, located at 7870 State Route 5, Clinton, NY, and A-Verdi Self Storage, located at 9816 River Road, Marcy, NY. This information was corroborated by the GPS unit.

22. Inspector Puro also noticed that the current parcels were mailed with the first name of "Erik" spelled this time with a "K," and recalled that a prior parcel mailed on February 3 from the same post office bore the return name of "Eric Johnson" spelled with a "C." Inspector Puro believed the mailer, Adam Malkin, utilized the alias Eric Johnson on these two occasions, and misspelled his own alias, either intentionally or unintentionally.

23. Also on this date, Inspector Puro traveled to the Kernan Station Post Office in Utica, NY to review the parcels, and upon arrival at the Kernan Station Post Office, Puro visually

observed the outside of the parcels and noticed one parcel was addressed to Malkin's California co-conspirator. This parcel, mailed using the return name of Erik Johnson, 1301 Thorn Street, #1, Utica, NY 13502, weighed 3 pounds, 13.10 ounces.

24. Inspector Puro then visually reviewed the outside of the second parcel, which also bore the return name of Erik Johnson, 1301 Thorn Street, #1, Utica, NY 13502. This second parcel was addressed to an address in Sonoma, CA and weighed 4 pounds, 6.5 ounces. Both parcels were secured by Inspector Puro for further investigation including a canine exam and a search warrant application.

25. While at the Kernan Station Post Office, Inspector Puro reviewed video surveillance footage from the Kernan Station Post Office for activities beginning at 9:04 a.m., that same day. Inspector Puro again observed Adam Malkin, enter the Kernan Station Post Office with two parcels under his arm. Malkin was observed approaching the counter line at the Post Office and mailing the two parcels which bore the alias of "Erik Johnson" and were further referenced in previous paragraphs above.

26. Additionally on February 8, 2018, the two parcels were subject to a canine exam by New York State Police Canine Examiner Mark Buzzard and his Canine "C.T." Canine Handler Buzzard informed Inspector Puro that C.T. had positively alerted to both parcels for the presence of narcotics or marijuana emanating from the parcel. On February 9, 2018, Inspector Puro applied for and was granted a Federal Search Warrant issued by U.S. Magistrate Judge Andrew T. Baxter for both parcels.

27. The first parcel addressed to Malkin's California co-conspirator was opened later that same afternoon, and found to contain plastic shopping bags, military manuals, a vacuum sealed bag, \$13,325 in US Currency and a handwritten drug ledger which referenced what

appeared to be sources of payments for an \$80,000 purchase or debt. Your affiant, and other Federal and State investigators involved in the investigation believe the U.S. Currency was payment for an order of Marijuana. The second parcel, addressed to an address in Sonoma, California was also found to contain plastic shopping bags, crumpled paper towels, old military manuals and a vacuum sealed plastic bag containing \$4,640.00 in US Currency, with a dated note believed to be signed by Adam Malkin. The US Currency found inside is also believed to be for the purchase of illegal drugs, specifically Marijuana or synthetic cannabinoids. The contents of both parcels were photographed, and repackaged as they were originally found, and returned to the mail stream and delivered.

**FEDERAL SEARCH WARRANT EXECUTED ON APRIL 19, 2018, FOR ANOTHER
PARCEL ADDRESSED TO MALKIN'S CALIFORNIA CO-CONSPIRATOR**

28. On April 18, 2018, Inspector Puro was contacted by New York State Police Investigator Timothy Ryan who advised that Malkin's vehicle was parked near the Butterfield Station Post Office in Utica, NY. Also on this date, Malkin's Nissan Frontier traveled to Treasure Chest Storage, located at 7870 State Route 5, Clinton, NY. This information was corroborated by the GPS unit installed in Malkin's truck. In response to this information, Postal Inspectors contacted a USPS Employee and asked if any parcels had been mailed using the name James May, or Eric (Erik) Johnson (the three known aliases used by Adam Malkin). The employee advised a parcel had been mailed using the name Erik Johnson, 1301 Thorn St., Utica, NY 13502. Inspector Puro asked the employee to hold the parcel for additional investigation.

29. Inspector Puro traveled to the Butterfield Station Post Office and visually observed the outside of the parcel mailed using the name Erik Johnson. The parcel was mailed Priority Mail, bore postage in the amount of \$13.65, and was packaged in a USPS Priority Mail Medium

Flat Rate box. The parcel was addressed to Malkin's California co-conspirator. The parcel was transported by Postal Inspectors to an offsite location and was subject to canine examination by New York State Police Canine Handler Mark Buzzard, and his canine "C.T." At 2:31 p.m., Canine Handler Buzzard informed Inspector Puro that C.T. had positively alerted to the parcel for the presence of narcotics or marijuana. Inspector Puro was present and observed C.T.'s canine alert to the parcel.

30. On April 19, 2018, Inspector Puro applied for and was granted a Federal Search Warrant issued by U.S. Magistrate Judge Andrew T. Baxter for the parcel. The parcel was opened by your affiant and other investigators and the contents photographed. The parcel was found to contain plastic shopping bags, cut up cardboard with address labels containing the name "Adam Malkin," a piece of cardboard with the handwritten note "19 Total" and a vacuum sealed plastic bag containing United States Currency weighing 2 pounds, 1.40 ounces with approximately 19 rubber banded bundles. The U.S. Currency was estimated to be approximately \$19,000. The parcel was re-sealed that evening, and returned to the U.S. Postal Service mail system for delivery. The parcel was delivered in Eureka, CA on April 21, 2018.

UNDERCOVER NYSP INVESTIGATOR INITIAL CONTACT WITH MALKIN

31. During the month of February 2018, Investigator Ryan identified an online marijuana classified website known as Budbay.com that your affiant has since learned caters to individuals looking to buy and sell quantities of marijuana. One posting from the Central New York area that caught the attention of investigators was from an "Adam" who listed phone numbers previously identified in this investigation as contact numbers Malkin used for storage units and freight companies.

32. On the website, Malkin wrote the following: "I have set up a safe facility for the

viewing and packaging of items. I am Bi-coastal splitting my time between California and Central NY. I will travel and have the first meet and greet in your backyard. Simply give me a call 516-260-3457. Thirty years of experience in all aspects of the industry, a large variety of inventory to view, indoor, greenhouse, and outdoor, competitive pricing, a safe place to view products, a safe place and all tools and packaging items necessary to package products for shipping, safe ways to ship products, a few proven methods.”

33. On Wednesday, May 2, 2018, a New York State Police undercover investigator, made telephonic contact with Malkin at 516-260-0062. During the recorded phone conversation, Malkin asked the undercover how he knew him and how he got his phone number. The undercover said he found his post on Budbay.com and was saving it for a rainy day. Malkin said that he placed the post for two years but got no response so he took it down. Malkin said that he was still working and has been in the game for a long time. Malkin told the undercover he was from Utica, NY. Malkin asked the UC what he was looking for and told the UC his inventory was from the Humboldt Hills, Northern California area. Malkin said that he could provide anywhere between 1 and 100 pounds, whatever he (the UC) wanted to purchase. Malkin discussed price points and said if the undercover purchased less than ten pounds it would cost \$2,100.00 per pound. Malkin told the UC he had two strains of marijuana totaling 40 pounds each. Malkin also advised the UC that he was expecting an additional 40 pounds of marijuana on Friday, May 4, 2018. Malkin said that they would meet in person and if that went well he would bring the UC back to his residence to see his inventory.

PHYSICAL SURVEILLANCE OF ADAM MALKIN
AT THREE STORAGE UNITS ON MAY 4, 2018

34. On May 4, 2018, New York State Police Investigators Ryan, Evans, Fischer,

Paquette, Gallagher, Jones, U.S. Postal Inspector Puro, Drug Enforcement Administration Task Force Officer (TFO) Rivers and your affiant were conducting physical surveillance in the furtherance of this investigation. Information had been developed through the undercover contact with Malkin that he was expecting a forty-pound shipment of marijuana. Given this information, agents established surveillance in the vicinity of Malkin's residence. At 9:45 a.m., Investigator Ryan and your affiant observed Adam M. Malkin operating his Nissan Frontier, color black, bearing State of New York registration # HMC5394 and traveling south bound on York Street, in the City of Utica. Approximately one minute later, Task Force Officer Rivers observed Malkin arriving at his residence located at 1301 Thorn Street, First Floor, Utica, NY.

35. At 10:15 a.m., Investigator Ryan and your affiant, observed Malkin operating his Nissan Frontier and traveling west on Thorn Street, in the City of Utica. Approximately eight minutes later, Malkin was observed by Investigator Ryan and your affiant arriving in the parking lot of Home Depot located at 545 French Road, New Hartford, NY. Approximately one minute later, Malkin's vehicle appeared to be unoccupied in the parking lot. At 10:29 AM., Malkin was observed wearing khaki pants, blue t-shirt, and glasses departing the Home Depot Store pushing a shopping cart which contained Home Depot cardboard boxes. Malkin loaded the boxes into the rear cargo bed of his Nissan Frontier. Approximately one minute later, Malkin entered his vehicle and departed the Home Depot parking lot. Malkin was followed by surveillance agents over to L&L Storage, 2222 Oriskany Street, Utica, NY at 10:41 am. Your affiant and Investigator Ryan observed Malkin parked in front of a storage unit. Agents observed one suitcase in the bed of the Nissan Frontier. Malkin was observed placing a second suitcase into the bed of the truck which appeared he retrieved from the storage unit. At approximately 10:45 a.m. Malkin closed the bed of the truck and the door of the storage unit and departed the area.

36. At 11:05 a.m., your affiant and Investigator Ryan observed Malkin at Access Self Storage, located at 425 Lomond Place, in the City of Utica. Malkin parked in front of unit number 147 and was observed walking in and out of the storage unit. Approximately one minute later, Malkin was observed removing plastic bins from the storage unit and placing them into the front compartment and rear cargo area of his truck. At 11:15 a.m., Malkin removed a dark colored suit case and what appeared to be a large Pelican case from the storage unit and placed them into the bed of the truck. At 11:18 a.m., Malkin entered his vehicle and departed the storage facility.

37. At 11:23 a.m., Investigator Evans observed Malkin arrive at Treasure Chest Storage, located at 7870 NY-5, Clinton, New York. Malkin parked his vehicle in front of storage unit number 30. At 12:17 p.m., Investigator Evans observed Malkin depart the parking lot of Treasure Chest Storage, then travel east on NY-5. At 12:31 p.m., TFO Rivers observed Malkin arrive at his residence, located at 1301 Thorn Street, First Floor, Utica, New York. Later that afternoon, investigators tracked Malkin's vehicle via the GPS unit. At 2:30 p.m., Investigator Ryan and your affiant observed Malkin's vehicle parked next to storage unit number 147 at Access Self Storage, located at 425 Lomond Place, in the City of Utica. At 2:41 p.m., Malkin secured the door of storage unit 147 and placed a yellow bag into the bed of his truck. Approximately one minute later, Malkin departed the parking lot of Access Self Storage. At 2:50 p.m., Investigator Jones observed Malkin arrive in his vehicle at his residence located at 1301 Thorn Street, Apartment 1, Utica, NY. At 3:18 p.m., TFO Rivers observed Malkin depart his residence. At 3:23 p.m., Investigator Ryan and your affiant observed Malkin arrive in the area of 1014 Hess Lane, in the City of Utica. Approximately one minute later, Malkin departed in his vehicle from Hess Lane, Utica. At 3:30 p.m., Investigator Fischer observed Malkin arrive at his residence,

located at 1301 Thorn Street, Apartment 1, Utica, New York.

ADDITIONAL CONTACT WITH UNDERCOVER AGENT

38. On May 16, 2018, the undercover (UC) conducted a recorded phone call with Malkin. Malkin and the (UC) had a conversation wherein they discussed meeting up in order to view different strains of marijuana. Malkin told the (UC) that he “stubbed his toe and lost 40 items,” believed by your affiant as a reference to having marijuana seized by law enforcement. Malkin said that he currently only had three types of strains on-hand vice his usual eight to twelve different strains. Malkin stated that he was expecting 40 items and said that it would be a mix. Malkin advised that they were being shipped out in the next couple of days and that it would take three or four days to arrive. Malkin asked the UC to re-contact him in five or six days and they would set up a meeting.

39. On May 18, 2018, US Postal Inspector Puro identified an outbound U.S. Postal Service Priority Mail Parcel connected to this investigation. The parcel was shipped from Eric Johnson, 1301 Thorn St #1 Utica, NY 13502 to Malkin’s California co-conspirator. This parcel was delivered and no police action was taken as to not compromise the investigation. Your affiant and other investigators believe that the parcel was drug proceeds mailed by Malkin to his marijuana source of supply.

FEDERAL SEARCH WARRANT OF PARCEL MAILED TO MALKIN’S
CALIFORNIA CO-CONSPIRATOR ON MAY 30, 2018

40. On May 29, 2018, U.S. Postal Service Employee’s contacted Inspector Puro and advised that a male customer had mailed two parcels from the Butterfield Station Post Office. The individual was described as a white male, bald, with unique ears and was identified as the same male from a photo USPI Puro had previously shown to the U.S. Postal Service employee

(the photo was an unidentified photograph of Adam Malkin). The employee advised the male had sent two parcels, one using the name Eric Johnson, and the other using the same name, but the spelling of "Erik" Johnson. Inspector Puro responded to the Butterfield Station Post Office, and visually examined the mailing labels and the outside of the two parcels.

41. The first parcel, hereafter referred to as "Parcel #1" was mailed with the return name and address of Eric Johnson, 1301 Thorn St., Utica, NY 13502 and was addressed to a location in Huntington, New York. The second parcel, hereafter referred to as "Parcel #2" bore the return name and address of Erik Johnson, 1301 Thorn St Apt #1, Utica, NY 13502 and was addressed to Malkin's California Co-Conspirator.

42. Also on May 29, 2018, Parcel's #1 and #2 were independently subject to canine examination by New York State Police Canine Handler Mark Buzzard, and his canine "C.T." At 3:45 p.m., canine handler Buzzard informed Inspector Puro that C.T. had positively alerted to Parcel #1. At 3:49 p.m., canine handler Buzzard informed Inspector Puro that C.T. had positively alerted to Parcel #2. Canine Handler Buzzard provided two detailed depositions on the canine exams and the canine's training and certification.

43. On May 30th, 2018, Inspector Puro applied for and was granted a Federal Search Warrant issued by U.S. Magistrate Judge Therese Willey Dancks for both parcels. Both parcels were opened later that same afternoon, was found to contain the following:

Parcel #1 addressed to Huntington, New York - Brown Craft Paper, plastic shopping bags, books, a vacuum sealed plastic bag with two glass jars containing a green leafy substance, one labeled as "Afgan God" and the second labeled "Lambs bread." The green substance was field tested and was positive for the presence of marijuana. The weight of the substance was 3.80 ounces. The parcel was seized due to the presence of the illegal marijuana.

Parcel #2 addressed to Malkin's California Co-Conspirator - Plastic shopping bags, books, paper towels, a magazine, a brown craft paper bundle marked "15K," a vacuum sealed bundled of U.S Currency wrapped in approximately 11 rubber banded bundles and weighing 14.70 ounces. The parcel was photographed, rewrapped and returned for normal U.S. Postal Service handling and delivered in Eureka, California on June 1, 2018.

44. Postal Inspectors reviewed surveillance footage from a covert camera system at the Butterfield Station Post Office and observed that on May 29, 2018, Adam Malkin, was observed mailing both parcels during his visit to the Butterfield Station Post Office in Utica, NY.

MEETING BETWEEN UNDERCOVER AND MALKIN ON MAY 30, 2018

45. Also on May 30, 2018, Malkin and (UC) agreed to meet at the International House of Pancakes (IHOP), in New Hartford, NY. Surveillance was established at Malkin's residence and the IHOP in anticipation of the undercover operation.

46. Prior to the meeting, the UC was fitted with a recording device in order to capture the audio conversation. At 4:09 p.m., Senior Investigator Fox observed the (UC) arrive in the rear parking lot of the IHOP. Approximately one minute later, the UC made telephonic contact with Malkin at (516) 260-0062. Both parties agreed to meet at the IHOP. At 4:23 p.m., Senior Investigator Fox observed Malkin arrived in the Nissan Frontier. Malkin exited his vehicle wearing tan khaki's and dark colored shirt further observed meeting with the (UC). The (UC) then entered Malkin's Nissan and they traveled to Access Self Storage, located at 425 Lomond Place, Utica, New York. Malkin unlocked unit number 147 and both parties entered to view the contents of the storage unit. Malkin provided the (UC) small marijuana samples and discussed price points of \$2,100.00 per pound with the undercover. The (UC) observed approximately twenty pounds of marijuana, two large suit cases, and two U.S. Postal Priority boxes addressed

to Malkin's California Co-Conspirator inside the storage unit. Malkin told the UC he has been in the business since he was 16 years old and the inventory comes from Humboldt County in Eureka, California. He stated that he has a partner there. Malkin stated he could get anything the UC wanted, including "cartridges" and marijuana wax. Malkin stated that his source moves 100 pounds per week because the quality is that good. Malkin stated he has 40-50 on hand but tries to keep 100 on hand. Malkin stated "I make a good living selling weed. I only have one client. I'd love to have two. I don't care if you buy one unit, five units, or 100 units. Just give me notice."

47. A short time later the UC and Malkin departed Access Self Storage and arrived a few minutes later back at IHOP. While in the IHOP parking lot, Malkin contacted his source of supply in California and discussed business with the source on his cellular phone and while in front of the UC. During the conversation, Malkin discussed obtaining various kinds of marijuana edibles and other marijuana accoutrements from the source. Malkin admitted to the (UC) that he had previously shipped marijuana via freight companies but had lost a pallet with over 100 pounds of marijuana. Malkin stated that he lost pallets back to back. Your affiant believes this was clearly a reference to the load of marijuana seized by the Pennsylvania State Police during the fall of 2017 as detailed by your affiant previously in this affidavit. Malkin advised the UC that after this loss occurred he stopped sending pallets and now uses the mail to ship his marijuana. While talking in the parking lot, Malkin requested the UC re-enter his vehicle and travel with him to view additional marijuana. After a short drive they arrived at U-Haul Moving & Storage of Utica located at 430 Lomond Place, Utica, New York. Malkin unlocked unit number 1211 and both parties entered to view the marijuana. The UC observed approximately twenty pounds of marijuana. After viewing the marijuana and discussing additional details, they

traveled back to the IHOP parking lot in the Nissan Frontier. Malkin and the UC agreed to stay in touch and meet again in the near future. The Marijuana evidence was sent to the New York State Police lab for analysis.

**SEIZURE OF \$15,000 IN SUSPECTED DRUG PROCEEDS
MAILED TO MALKIN'S CALIFORNIA CO-CONSPIRATOR**

48. On June 11, 2018, Postal Inspector Matthew Puro was advised by U.S. Postal Service personnel that a male, described as a bald male, Caucasian, in his late 50s, had mailed another parcel using the name and address Eric Johnson, 1301 Thorn St #1, Utica, NY 13502 from the Kerman Station Post Office in Utica, NY. The parcel was addressed to Malkin's California Co-Conspirator in Eureka, California. The parcel was secured by Inspector Puro and was subject to canine examination by New York State Police Canine Handler Eric Knapp, and his canine "Scotty." At 9:35 a.m., canine handler Knapp informed that "Scotty" had positively alerted to the presence of narcotics or marijuana. Later that same afternoon, Inspector Puro applied for and was granted a Federal Search Warrant for the parcel which was then opened by your affiant and other agents and found to contain \$15,000.00 in U.S. Currency. The currency was in three large stacks inside a clear plastic baggie bundled together and in denominations consistent with marijuana trafficking. Located in the box were multiple pieces of cut up cardboard from other priority mail boxes, one of which had the name Adam Malkin written on it as well as a receipt for a USPS Priority Mail Flat rate box shipped from Eric Johnson to Malkin's California Co-Conspirator dated 4/24/18. The credit card used to pay for the shipment was in the name Adam M. Malkin. The U.S. Currency was administratively seized by your affiant as suspected drug proceeds.

UNDERCOVER PURCHASE OF TWO POUNDS
OF MARIJUANA FROM MALKIN

49. Following the first meeting, the UC and Malkin remained in regular telephonic communication. In the days leading up to June 26, 2018, the UC advised Malkin he would be in the Utica, NY area so that they could meet again. On June 25th and 26th, 2018 Malkin and the UC engaged in a series of text messages:

- Outgoing text from UC to 516-260-0062 on 6/25/18 @ 5:02 PM: "Will ub around 2mrw."
- Incoming text from MALKIN to UC on 6/25/18 @ 5:36 PM: "What time I have a 2PM apoitment."
- Outgoing text from UC to 516-260-0062 on 6/25/18 @ 5:39 PM: "Hows 1130."
- Incoming text from MALKIN to UC on 6/25/18 @ 5:41 PM: "Sure how many all different."
- Outgoing text from UC to 516-260-0062 on 6/25/18 @ 5:44PM: "Juat 2 for now. lgg and l whatever (taking samples back) hope to be back through within a week."
- Incoming text from MALKIN to UC on 6/25/18 @ 5:45 PM: "Ok."

50. On June 26, 2018, members of DEA, New York State Police, and U.S. Postal Inspectors met in Utica, NY for an operational briefing. The purpose of the briefing was for conducting a controlled purchase of 2 pounds of Marijuana from Malkin. Following the operational briefing, surveillance agents established surveillance at Malkin's residence, 1301 Thorn Street, Utica, NY, and at the likely meet spot at the IHOP, in New Hartford, NY.

51. At approximately 12:35 PM, your affiant provided \$4,200 in DEA official advanced funds (OAF) to the undercover and he was fitted with a recording device. The GPS on Malkin's vehicle confirmed that his Nissan Frontier was parked and was stationary at 1301 Thorn Street, Utica, NY. Surveillance units confirmed that the vehicle was parked there at approximately 12:40 PM. At approximately 12:43 PM on 6/26/18, the UC placed an outgoing text to 516-260-0062: "Ill be at the ihop in about 10 min. No hurry though." Malkin and the UC then engaged in a series of recorded phone conversations prior to meeting. At 12:47 PM, the UC called Malkin at 516-260-0062 and they made arrangements to meet near the Home Depot (Located next to the

IHOP). At 12:56 PM, the UC called Malkin again and advised him that he was in a blue van. Malkin told the UC he would be there in a minute. Approximately one minute later at 12:57 PM, Malkin called the UC in order to confirm that the UC wanted "2," a reference your affiant is aware was for two pounds of marijuana that Malkin would be selling to the undercover.

52. At approximately 12:50 PM, your affiant and Inv. Ryan left the CNET office followed by the UC. At approximately 12:56 PM, the UC arrived and parked in the back parking lot of the IHOP. At approximately 12:59 PM, Investigator Chevrier observed Malkin's Nissan Frontier departing his residence. Malkin was followed for a brief period by surveillance units and his vehicle was tracked via the GPS. At approximately 1:03 PM, Malkin was observed by your affiant and Inv Ryan arriving in the parking lot of IHOP. Malkin parked his Nissan Frontier next to the UC vehicle and Malkin exited the Nissan Frontier. Malkin then engaged the UC at the open passenger side window of the undercover vehicle. Malkin and the UC engaged in a lengthy conversation regarding Marijuana quantity, prices, delivery, storage units, purchasing rental property, and how much the UC wanted the next time. Malkin told the UC that he would deliver wherever he wanted and that they "were beautiful items, all gorgeous, nice fresh buds and money back guarantee." Regarding storage units, Malkin told the UC, "You know I love em. They are safe. I don't mind taking people there. \$80.00 per month." Malkin further stated that everything he gets is from "Humboldt County, 500 units per season." Malkin admitted that he was closing on a single family house later that afternoon and that he had five other properties in the area. Malkin also stated that he may need to fly out to California to meet with his source if the UC wanted a large amount. Malkin stated his source grew up out there; his mother is involved in the business as is his whole family. Malkin told the UC that he had some inventory at his house if the UC wanted to see them and that if the UC wanted over 50 pounds he again

reiterated he would likely fly out there to purchase them. Malkin exchanged 2 pounds of Marijuana for the \$4,200 in DEA funds with the undercover. Malkin provided the UC the Marijuana in a cardboard box.

53. At approximately 1:28 PM, Malkin was observed entering the Nissan Frontier and exiting the parking lot by your affiant and Inv Ryan. Malkin was followed from the meet spot directly back to his residence, 1301 Thorn Street, Apartment 1, Utica, NY, arriving at approximately 1:34 PM as observed by NYSP Inv Jones. Malkin was observed leaving approximately two minutes later at 1:36 PM as observed by Inv Jones. Surveillance was terminated a short time later. Malkin sold the UC (2) Food saver bags each containing a pound of marijuana which were labeled "OG" and "Skunk" respectively that were placed inside a cardboard box which Malkin had the marijuana secreted in. At approximately 2:15 PM, the marijuana field tested positive for the presence of marijuana by Inv Ryan utilizing a Marijuana 908 test kit as witnessed by your affiant and TFO Rivers. The marijuana purchased from Malkin has been sent to the DEA lab for further analysis.

54. On June 27, 2018, at approximately 1:37 PM, MALKIN called the UC and advised the UC that he had "26 on hand." The UC advised MALKIN he would need more in the coming weeks and they agreed to stay in contact with each other.

RECORDED PHONE CALLS BETWEEN THE UC AND MALKIN ON JULY 6, 2018
COORDINATING LOAD OF MARIJUANA

55. On July 6, 2018, the undercover and Malkin engaged in a series of recorded phone calls in order to discuss logistics and coordinate a shipment of marijuana from California to the Central New York area. During the series of calls, Malkin advised the UC that he had a new cell phone and may need to fly out there and arrange the shipment. He told the UC that he just got

off the phone with the source and it was going to be a two week turn around time. Malkin stated "I gotta get him 50 k and I gotta get it here." Malkin told the UC there were a number of different ways to get the load to New York; that they could use suitcases or "Pods." Malkin told the UC that they could fit "18" in a suitcase and that it could be sent from a FedEx facility in California to a FedEx facility in New York. They continued to discuss logistics regarding shipping the marijuana and the names to use and agreed to discuss further details regarding a large load of marijuana.

56. On July 7, 2018, at approximately 8:24 AM, the UC received an incoming text from Malkin's new cell phone 315-335-7194. "Lets get together and brainstorm I am free to travel wherever whenever thanks Adam." This cellular phone was listed by Malkin, aka James May, as a secondary point of contact on his lease agreement for U-Haul, Storage Unit #1211. The number was provided as the contact number for "Eric Johnson" in Baltimore, Maryland. Your affiant reviewed GPS data on Malkin's Nissan Frontier for the morning of July 7, 2018. Malkin's Nissan Frontier made trips from his residence at 1301 Thorn Street, Utica, NY to Walmart, Access Self Storage, and L&L Self Storage.

57. On July 10, 2018, at 1:27 pm, the UC received an incoming call from Malkin. Malkin wanted to meet with the UC face to face to discuss "logistics." Malkin stated "You want something consistent. I have a lot of free time. I can travel to you without issue." Malkin went on to tell the UC, "I want to provide consistency for you. There is a lot of ways to do it. That's why we need to sit down." Regarding a large load, Malkin wasn't sure if he could provide a larger load with a one week turn-around time. He advised "I have to make some phone calls to see what I can arrange" and "what are you gonna need? Are we talking 40-50 like that?" The UC told Malkin he needed a larger load in approximately one week. Later in the conversation,

Malkin stated "You need something within two weeks, within one week. I'll make a phone call. I want to earn your business. I don't think he is around right now. Let me see what I can arrange for a week to ten days. I'm gonna make a phone call and see."

58. On July 18, 2018, your affiant and other members of the DEA, New York State Police, and US Postal Inspection Service executed search warrants at Malkin's residence, 1301 Thorn Street, Utica, NY and at four storage facilities in the Utica area and on his 2017 Nissan Frontier pick-up truck. Pursuant to the search of Malkin's vehicle, agents recovered multiple drug ledgers detailing cash payments to his California sources of supply, storage unit keys, safe deposit box keys, cell phones, a large sum of United States Currency, two money orders, and a bank check totaling \$7,000. At the residence agents recovered drug ledgers, multiple cell phones, a digital scale, miscellaneous documents and records, and U.S. Postal labels.

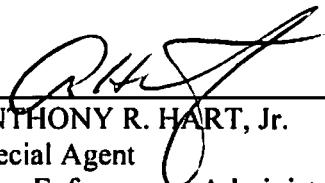
59. At approximately 12:30 PM, Investigator Ryan and Inspector Puro issued Malkin his *Miranda* Rights which he voluntarily waived and agreed to speak with agents about the ongoing investigation. Malkin stated that he had been in the marijuana business for 51 years and has never held a legitimate job. Selling marijuana is all he knows. Malkin stated he has one main customer in the Utica area, however, they recently had a falling out over a \$100,000 drug debt. According to Malkin he has been supplying his customer with 10 pounds of marijuana a week every week for 2 to 3 years. Prior to that he was supplying this same customer 3 pounds a week for 2 years. Malkin stated he intentionally varied his patterns by using different techniques and common carriers/shipping methods to avoid detection. Malkin admitted to purchasing fake identification in the name of James May from the dark web.

60. Malkin admitted to posting an ad on Budbay.com 3-5 years ago. He moved to the Utica area to be closer to his marijuana customer base and started distributing small quantities

which eventually progressed to ten pound quantities each week. Malkin charged \$2,100 per pound. Bank records show that since January 1, 2017, Malkin has had over \$650,000 deposited into accounts he controls. At \$2,100 a pound that equates to over 300 pounds of marijuana. Malkin admitted to leasing multiple storage units and that he had recently been advised by one of the storage facility employees that Federal law enforcement officers had inquired about him at their facility. Malkin passed this information on to his main supplier in California and to his customer in Utica. Malkin admitted to cleaning out all of his storage units after he was told this information by the storage employee. Malkin admitted to having a storage unit and apartment in Eureka, California. Malkin admitted to mailing 1-2 packages per month during the last year which contained U.S currency to his source of supply in California. He admitted to obtaining vape cartridges from Southern California and sold the cartridges to a customer in Connecticut. When investigators specifically questioned Malkin about traveling to New York City in tandem with another individual, he admitted to traveling there to obtain two suitcases and another individual transported the suitcases in Malkin's Nissan Frontier back to Utica. Malkin and his customer travelled in tandem in a separate vehicle. Malkin stated that he recently decided to get out of the marijuana business after losing a significant amount of money and getting tipped off by the storage unit employee. Malkin stated he placed his customer in touch with the California source of supply and they were dealing directly with each other as far as he knew.

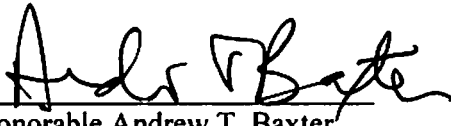
E. CONCLUSION

61. Based upon the information detailed above and my experience as a Special Agent with the Drug Enforcement Administration, there is probable cause to believe that Adam Malkin committed violations of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B) and 846, conspiracy to possess with the intent to distribute 100 kilograms or more of marijuana, a Schedule I controlled substance.



ANTHONY R. HART, Jr.
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before
me this on this 19th day of July,
2018 at Syracuse, New York



Honorable Andrew T. Baxter
United States Magistrate Judge